S.B. Criminal Misc. Bail Application No.2878/2006
S.B. Criminal Misc. Bail Application No.2968/2006

Date : 17.07.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Sandeep Mehta)
Mr. D.S. Udawat) for applicants in SBCMBA No.2878/06.
Mr. P.K. Sharma)
Mr. Shambhoo Singh) for applicants in SBCMBA No.2968/06.
Mr. Panney Singh, counsel for CBI.

Both these matter under Section 438 Cr.P.C. have been filed against FIR No.RCJDH-2003-A-0006, Police Station CBI, Jodhpur. Since, both the applications, arise out of same FIR, they are being disposed of by this common order.

I have heard learned counsel for the applicants as well as the learned counsel for the CBI and carefully gone through the impugned order.

The contention of learned counsel for the applicants are that in the instant case the allegations against the accused

applicants are false. According to learned counsel, the land in question is said to have been sold by Pokar Ram to nine persons and HPCL has purchased the said land through registry. As regards, applicant No.1 Shanker Singh is concerned, he was power of attorney holder of one of parties but that power of attorney has not been used for the present transaction. It has also been contended that Dhanpat Singh other applicant in the case has only identified the parties in sale deed, therefore, it cannot be said that by identifying the party, he has committed any offence. Learned counsel submits that in the instant case, all the nine persons were present before the Registrar and the registry was made. It is further submitted that during the course of investigation all the applicants were present before the Investigating Authority and it was not thought proper to arrest them at that time and now only charge-sheet is to be filed. In last, it is submitted that no investigation is to be made from the applicants, therefore, they may be enlarged on bail.

On the other hand, learned counsel for CBI has opposed the bail application.

I have considered the submissions made before me and carefully perused the material available on record.

Taking into consideration the overall facts and circumstances of the present case and the fact that transaction took place under registry and now, only charge-sheet is to be filed, I think it just and proper to enlarge the accused applicants on bail. Accordingly, the bail applications are allowed and it is directed that in the event of arrest of applicants (1)Shanker Singh Udawat son of Man Singh Udawat (2) Dhanpat Singh Udawat son of Narayan Singh Udawat (3) Ashok Kumar Garg son of Champa Lal Garg and (4) Om Prakash Kumawat son of Bhanwar Lal Ji Kumawat by I.O./S.H.O.in FIR No.RCJDH-2003-A-0006 P.S. CBI, Jodhpur, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.